

1 Stacy Tolchin (CA SBN #217431)  
2 *Email: Stacy@Tolchinimmigration.com*  
3 Law Offices of Stacy Tolchin  
4 776 E. Green St., Suite 210  
5 Pasadena, CA 91101  
6 Telephone: (213) 622-7450  
7 Facsimile: (213) 622-7233

8 Khaled Alrabe (CA SBN #349899)  
9 *Email: khaled@nipnlg.org*  
10 National Immigration Project of the  
11 National Lawyers Guild (NIPNLG)  
12 1763 Columbia Road NW, Suite 175 #896645,  
13 Washington, DC 20009  
14 Telephone: (617) 227-9727 x3  
15 Facsimile: (617) 227-5495

16 Counsel for Plaintiff  
17 (*continued on next page*)

18 **UNITED STATES DISTRICT COURT FOR THE**  
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 STUDENT DOE #1,

21 Plaintiff,

22 v.

23 KRISTI NOEM, in her official  
24 capacity as Secretary of Homeland  
25 Security; the DEPARTMENT OF  
26 HOMELAND SECURITY; and  
27 TODD LYONS, in his official capacity  
28 as Acting Director of U.S. Immigration  
and Customs Enforcement,

Defendants.

Case No. 5:25-cv-00847-SSS-SHK

**PLAINTIFF'S EX PARTE  
APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO  
SHOW CAUSE RE:  
PRELIMINARY INJUNCTION;  
MEMORANDUM OF POINTS  
AND AUTHORITIES IN  
SUPPORT**

Hon. Sunshine S. Sykes

1 Anne Lai (CA SBN #295394)

2 *Email: alai@law.uci.edu*

3 UC Irvine School of Law –

4 Immigrant Rights Clinic

5 401 E. Peltason Dr.

6 Irvine, CA 92697-8000

7 Telephone: (949) 824-9894

8 Facsimile: (949) 824-2747

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Counsel for Plaintiff

1 For the reasons explained in the accompanying Memorandum of Points and  
2 Authorities, Plaintiff hereby makes this Ex Parte Application for a Temporary  
3 Restraining Order and Order to Show Cause Re: Preliminary Injunction pursuant to  
4 Federal Rule of Civil Procedure 65 and 5 U.S.C. § 705. Plaintiff is an international  
5 college student whose Student and Exchange Visitor Information Systems (SEVIS)  
6 record was abruptly and unlawfully terminated by Defendants. Plaintiff seeks an  
7 order: (1) temporarily enjoining Defendants' termination of Plaintiff's SEVIS  
8 record and any legal effect of Defendants' termination; (2) prohibiting Defendants  
9 from directly or indirectly, by any means whatsoever, implementing, enforcing, or  
10 otherwise taking action as a result of their decision to terminate Plaintiff's SEVIS  
11 record; (3) permitting Plaintiff to be identified in this action by the pseudonym  
12 "Student Doe #1" and requiring materials filed with the Court that contain  
13 Plaintiff's name or any identifying information to be redacted and/or filed under  
14 seal; (4) prohibiting Defendants' from disclosing information disclosed by Plaintiff  
15 about their name and identity except as reasonably necessary for the litigation or  
16 from using such information for any purpose outside of this litigation; and (5)  
17 enjoining Defendants from arresting and detaining Plaintiff or transferring Plaintiff  
18 away from the jurisdiction of this District.

19 As a result of Defendants' actions, Plaintiff is facing immediate harm to their  
20 education, athletic career, and mental health, along with the very real threat of  
21 coerced departure. Expedited relief is necessary to prevent irreparable injury before  
22 a hearing on a preliminary injunction may be held.

23 Plaintiff requests that the Court issue a temporary restraining order and order  
24 to show case re: preliminary injunction in the form of the proposed order submitted  
25 concurrently with this Application. This Application is based on the Complaint,  
26 Memorandum of Points and Authorities, and the declaration and exhibits in support  
27 thereof.  
28

Defendants were advised on April 16, 2025 and April 17, 2025 that Plaintiff would be filing this ex parte application and of the contents of this application. Tolchin Decl. ¶ 3. *See* Local Rule 17-19.1. Attorneys Alec Farrell and Paul Green, counsel for Defendants, confirmed that the motion would be opposed. Tolchin Decl. ¶ 3. The parties agreed that Defendants would have 48 hours to file a response. On April 20, 2025, Plaintiff's counsel followed up with an e-mail informing Defendants that Plaintiff would be filing their application late in the evening on April 21, 2025, and therefore would agree that Defendants file any response by noon on April 24, 2025. Plaintiff's counsel indicated Plaintiff would file a reply the following day, April 25, 2025. *Id.*

Counsel for Defendants are as follows:

Alec L. Farrell  
Assistant United States Attorney  
United States Attorney's Office, Central District of California  
300 North Los Angeles Street, Suite 7516  
Los Angeles, CA 90012  
Tel: (213) 894-5557  
Fax: (213) 894-7819  
Email: alexander.farrell@usdoj.gov

Paul Green  
Assistant United States Attorney  
Complex and Defensive Litigation Section  
United States Attorney's Office  
300 N. Los Angeles St., Ste. 7516, Los Angeles, CA 90012  
Office: 213-894-0805  
Cell: 213-247-4334  
Email: Paul.Green@usdoj.gov

Dated : April 21, 2025

/s/ Stacy Tolchin  
Stacy Tolchin

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	BACKGROUND .....	2
III.	STANDARD OF REVIEW .....	5
IV.	ARGUMENT .....	6
A.	Plaintiff is Likely to Succeed on the Merits Because the Termination of their SEVIS Record is Blatantly Unlawful .....	7
1.	The SEVIS Termination Violates the Administrative Procedure Act as it was Not in Accordance with Law and Arbitrary and Capricious (Count 1 and Count 4).....	7
2.	The SEVIS Termination Violates the Fifth Amendment’s Due Process Clause (Count 2 and Count 3).....	11
B.	Plaintiff Will Suffer Irreparable Harm and the Equities Tip in Plaintiff’s Favor .....	12
C.	No Bond Is Necessary.....	14
D.	The Court Should Permit Plaintiff to Proceed Under Pseudonym in this Action and Enter Additional Protective Measures .....	14
1.	Protective Measures Are Needed to Preserve Plaintiff’s Right of Access to the Court .....	15
2.	Anonymity and a Protective Order/Order Not to Detain Are Reasonable Under the Circumstances, Will Not Prejudice Defendants, and in the Public Interest.....	19
IV.	CONCLUSION.....	22

## TABLE OF AUTHORITIES

### CASES

<i>ACLU of Nevada v. Masto</i> , No. 08-cv-00822-JCM-PAL, 2008 WL 3874263 (Aug. 18, 2008) .....	20
<i>All. for the Wild Rockies v. Cottrell</i> , 632 F.3d 1127 (9th Cir. 2011).....	6
<i>Alvarez v. The Hyatt Regency Long Beach</i> , No. CV 09-04791-GAF VBKX, 2010 WL 9505289 (C.D. Cal. Sept. 21, 2010) 20	
<i>Arizona Student Doe #2 v. Trump</i> , No. 25-cv-00175-TUC-AMM (D. Ariz. Apr. 15, 2025).....	7, 10
<i>ASSE Int'l, Inc. v. Kerry</i> , 803 F.3d 1059 (9th Cir. 2015).....	12
<i>Balance Studio, Inc. v. Cybernet Entm't</i> , LLC, 204 F. Supp. 3d 1098 (N.D. Cal. 2016).....	8, 15
<i>BE &amp; K Const. Co. v. N.L.R.B.</i> , 536 U.S. 516 (2002).....	18
<i>Borough of Duryea, Pa. v. Guarnieri</i> , 564 U.S. 379 (2011).....	18
<i>Brown v. Holder</i> , 763 F.3d 1141 (9th Cir. 2014).....	12
<i>Burlington Truck Lines v. United States</i> , 371 U.S. 156 (1962).....	10
<i>California v. Azar</i> , 911 F.3d 558 (9th Cir. 2018).....	6
<i>Ching v. Mayorkas</i> , 725 F.3d 1149 (9th Cir. 2013).....	11, 12
<i>City &amp; County of San Francisco v. USCIS</i> , 944 F.3d 773 (9th Cir. 2019).....	6

1	<i>Doe v. Noem,</i>	
2	No. 2:25-cv-633 (W.D. Wash. Apr. 17, 2025) .....	7, 10
3	<i>Doe v. Penzato,</i>	
4	No. CV10-5154 MEJ, 2011 WL 1833007 (N.D. Cal. May 13, 2011).....	15
5	<i>Does I thru XXIII v. Advanced Textile Corp.,</i>	
6	214 F.3d 1058 (9th Cir. 2000).....	passim
7	<i>E.W. v. N.Y. Blood. Ctr.,</i>	
8	213 F.R.D. 108 (E.D.N.Y. 2003) .....	19, 21
9	<i>Enters. Int'l, Inc. v. Pasaban, S.A.,</i> No. 3:11-CV-05919-RBL, 2012 WL 5269375	
10	(W.D. Wash. Oct. 24, 2012).....	20
11	<i>Fraihat v. U.S. Immigr. &amp; Customs Enf't,</i>	
12	16 F.4th 613 (9th Cir. 2021).....	6
13	<i>Frontline Med. Assoc., Inc. v. Coventry Healthcare Workers Compensation, Inc.,</i>	
14	620 F. Supp. 2d 1109 (C.D. Cal. 2009) .....	5
15	<i>GoTo.com, Inc. v. Walt Disney Co.,</i>	
16	202 F.3d 1199 (9th Cir. 2000).....	5
17	<i>Guilford College, et al. v. McAleenan, et al.,</i>	
18	No. 1:18-cv-00891 (M.D.N.C. Oct. 23, 2018).....	8
19	<i>Hill Dermaceuticals, Inc. v. U.S. Food &amp; Drug Admin.,</i>	
20	524 F. Supp. 2d 5 (D.D.C. 2007) .....	6
21	<i>Jie Fang v. Dir. United States Immigr. &amp; Customs Enf't,</i>	
22	935 F.3d 172 (3d Cir. 2019).....	9, 10
23	<i>Johnson v. Couturier,</i>	
24	572 F.3d 1067 (9th Cir. 2009).....	14
25	<i>Jorgensen v. Cassidy,</i>	
26	320 F.3d 906 (9th Cir. 2003).....	14
27	<i>Keyishian v. Bd. of Regents of Univ. of State of N. Y.,</i>	
28	385 U.S. 589 (1967) .....	5

1	<i>Liu v. Noem,</i>	
2	No. 25-cv-133-SE (D.N.H. Apr. 10, 2025).....	7
3	<i>Lujan v. United States Dep't of Educ.,</i>	
4	664 F. Supp. 3d 701 (W.D. Tex. 2023).....	13
5	<i>Maria v. Loyola Univ. of Chicago Stritch Sch. of Med.,</i>	
6	No. 24 C 1698, 2025 WL 96482 (N.D. Ill. Jan. 14, 2025) .....	12
7	<i>Mathews v. Eldridge,</i>	
8	424 U.S. 319 (1976).....	12
9	<i>Melendres v. Arpaio,</i>	
10	695 F.3d 990 (9th Cir. 2012).....	12
11	<i>Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.,</i>	
12	463 U.S. 29 (1983).....	10
13	<i>Nader v. Democratic Nat'l Comm.,</i>	
14	567 F.3d 692 (D.C. Cir. 2009) .....	18
15	<i>Nat'l Ass'n of Home Builders v. Norton,</i>	
16	340 F.3d 835 (9th Cir. 2003).....	10
17	<i>Nken v. Holder,</i>	
18	556 U.S. 418 (2009).....	6
19	<i>Range Rd. Music, Inc. v. E. Coast Foods, Inc.,</i>	
20	No. CV092059CASAGRX, 2009 WL 10698442 (C.D. Cal. Dec. 10, 2009) .....	20
21	<i>Rivera v. NIBCO Corp.,</i>	
22	364 F.3d 1057 (9th Cir. 2004).....	22
23	<i>Rodriguez v. Robbins,</i>	
24	715 F.3d 1127 (9th Cir. 2013).....	12
25	<i>Santa Fe Indep. Sch. Dist. v. Doe,</i>	
26	530 U.S. 290 (2000) .....	15
27	<i>Schroeder v. McDonald,</i>	
28	55 F.3d 454 (9th Cir. 1995).....	19



1	<i>Tanner Motor Livery, Ltd. v. Avis, Inc.</i> ,	
2	316 F.2d 804 (9th Cir. 1963).....	5
3	<i>Town of Castle Rock v. Gonzales</i> ,	
4	545 U.S. 748 (2005).....	11
5	<i>U.S. Philips Corp. v. KBC Bank N.V.</i> ,	
6	590 F.3d 1091 (9th Cir. 2010).....	5
7	<i>U.S. v. Doe</i> ,	
8	655 F.2d 920 (9th Cir. 1981).....	15
9	<i>Valle del Sol Inc. v. Whiting</i> ,	
10	732 F.3d 1006 (9th Cir. 2013).....	14
11	<i>Wallace v. Christensen</i> ,	
12	802 F.2d 1539 (9th Cir. 1986).....	10
13	<i>Wedges/Ledges of California, Inc. v. City of Phoenix, Ariz.</i> ,	
14	24 F.3d 56 (9th Cir. 1994).....	11
15	<i>Winter v. Nat. Res. Def. Council, Inc.</i> ,	
16	555 U.S. 7 (2008).....	6
17	<i>Wu v. Lyons</i> ,	
18	No. 25-cv-01979-NCM (E.D.N.Y. Apr. 11, 2025).....	7
19	<i>Zadvydas v. Davis</i> ,	
20	533 U.S. 678 (2001).....	21
21	<b>ADMINISTRATIVE DECISIONS</b>	
22	<i>In Re: Enrique Ganesh Doreste Kathiravetpillai</i> ,	
23	2010 WL 2390757 (BIA May 27, 2010).....	8
24	<i>In Re: Myoung Sook Park</i> ,	
25	AXXX XX2 580, 2017 WL 1330106 (BIA Mar. 8, 2017).....	8

## CONSTITUTIONAL PROVISIONS

U.S. Const. amend. I .....	18
U.S. Const. amend. V .....	11

## STATUTES

5 U.S.C. § 705 .....	6
5 U.S.C. § 706(2)(B) .....	12
8 U.S.C. § 1101(a)(15)(F)(i) .....	7
8 U.S.C. § 1182(d)(3) .....	9
8 U.S.C. § 1182(d)(4) .....	9

## FEDERAL RULES

Fed. R. Civ. P. 5.2(e) .....	19
Fed. R. Civ. P. 65(b)(1)(A) .....	5

## FEDERAL REGULATIONS

8 C.F.R. § 214.1(d) .....	9
8 C.F.R. § 214.1(e) .....	9
8 C.F.R. § 214.1(f) .....	9
8 C.F.R. § 214.1(g) .....	9
8 C.F.R. § 214.2(f) .....	7, 9
8 C.F.R. § 214.2(f)(1)(iii) .....	8
8 C.F.R. § 214.2(f)(10)(i) .....	8
8 C.F.R. § 214.2(f)(10)(ii) .....	8
8 C.F.R. § 214.2(f)(11)(i)-(ii) .....	8
8 C.F.R. § 214.2(f)(16)(ii) .....	9
8 C.F.R. § 214.2(f)(5)(i) .....	8, 9
8 C.F.R. § 214.2(f)(8)(ii) .....	8

## OTHER AUTHORITIES

Andrew Kreighbaum, <i>Lawsuits Over Foreign Students' Status Find Solid Legal Footing</i> , BLOOMBERG LAW (April 15, 2025), <a href="https://news.bloomberglaw.com/daily-labor-report/lawsuits-over-foreign-students-status-find-solid-legal-footing">https://news.bloomberglaw.com/daily-labor-report/lawsuits-over-foreign-students-status-find-solid-legal-footing</a> .....	1
Benjamin Leynse and Avery Wang, <i>A Pro-Palestinian Activist Lost His Case, but the "Fight From Below" Continues</i> , THE NATION (Apr. 7, 2025), <a href="https://www.thenation.com/article/activism/momodou-taal-palestine-cornell-university-trump-lawsuit/">https://www.thenation.com/article/activism/momodou-taal-palestine-cornell-university-trump-lawsuit/</a> .....	16

1	Dalia Faheid & Gloria Pazmino, <i>A PhD Student Was Snatched by Masked Officers in Broad Daylight</i> , CNN (Mar. 29, 2025),	
2	<a href="https://www.cnn.com/2025/03/29/us/rumeysa-ozturk-tufts-university-arrest-saturday/index.html">https://www.cnn.com/2025/03/29/us/rumeysa-ozturk-tufts-university-arrest-</a>	
3	<a href="https://www.cnn.com/2025/03/29/us/rumeysa-ozturk-tufts-university-arrest-saturday/index.html">saturday/index.html</a> .....	17
4	Dep't of Homeland Sec., Study in the States, Termination Reasons,	
5	<a href="https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons">https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-</a>	
6	<a href="https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons">terminations/termination-reasons</a> (last visited Apr. 18, 2025).....	4
7	Dep't of Homeland Sec., Study in the States, Termination Reasons,	
8	<a href="https://web.archive.org/web/20250408211432/https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons">https://web.archive.org/web/20250408211432/https://studyinthestates.dhs.gov/se</a>	
9	<a href="https://web.archive.org/web/20250408211432/https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons">vis-help-hub/student-records/completions-and-terminations/termination-reasons</a>	
10	(archived Apr. 8, 2025) .....	4
11	DHS, Terminate a Student (last updated Nov. 7, 2024),	
12	<a href="https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student">https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-</a>	
13	<a href="https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student">terminations/terminate-a-student</a> .....	13
14	Eduardo Medina and Anemona Hartocollis, ICE Agents Detain University of	
15	Alabama Doctoral Student (Mar. 26, 2025),	
16	<a href="https://www.nytimes.com/2025/03/26/us/ice-detains-doctoral-student-university-alabama.html">https://www.nytimes.com/2025/03/26/us/ice-detains-doctoral-student-university-</a>	
17	<a href="https://www.nytimes.com/2025/03/26/us/ice-detains-doctoral-student-university-alabama.html">alabama.html</a> .....	17
18	Eliza Shapiro, <i>Immigration Authorities Arrest Pro-Palestinian Activist at Columbia</i> , N.Y. TIMES (Mar. 9, 2025),	
19	<a href="https://www.nytimes.com/2025/03/09/nyregion/ice-arrests-palestinian-activist-columbia-protests.html">https://www.nytimes.com/2025/03/09/nyregion/ice-arrests-palestinian-activist-</a>	
20	<a href="https://www.nytimes.com/2025/03/09/nyregion/ice-arrests-palestinian-activist-columbia-protests.html">columbia-protests.html</a> .....	17
21	Helen Rummel, <i>International ASU Student Detained After Visa Revoked</i> (Apr. 4,	
22	2025), <a href="https://www.azcentral.com/story/news/local/arizona-education/2025/04/04/arizona-state-university-student-detained-after-visa-revocation/82793138007/">https://www.azcentral.com/story/news/local/arizona-</a>	
23	<a href="https://www.azcentral.com/story/news/local/arizona-education/2025/04/04/arizona-state-university-student-detained-after-visa-revocation/82793138007/">education/2025/04/04/arizona-state-university-student-detained-after-visa-</a>	
24	<a href="https://www.azcentral.com/story/news/local/arizona-education/2025/04/04/arizona-state-university-student-detained-after-visa-revocation/82793138007/">revocation/82793138007/</a> .....	17
25	Jaclyn Diaz & Adrian Florido, <i>Why Is Trump Sending Immigrant University Students to Louisiana and Texas?</i> , NPR (Apr. 8, 2025),	
26	<a href="https://www.npr.org/2025/04/08/nx-s1-5351645/ice-detention-louisiana-university-scholars">https://www.npr.org/2025/04/08/nx-s1-5351645/ice-detention-louisiana-</a>	
27	<a href="https://www.npr.org/2025/04/08/nx-s1-5351645/ice-detention-louisiana-university-scholars">university-scholars</a> .....	18
28	Jaclyn Diaz, <i>What We Know About the Case of Detained Georgetown Professor Badar Khan Suri</i> , NPR (Mar. 21, 2025), <a href="https://www.npr.org/2025/03/21/nx-s1-5336173/immigration-georgetown-university-professor">https://www.npr.org/2025/03/21/nx-s1-</a>	
	<a href="https://www.npr.org/2025/03/21/nx-s1-5336173/immigration-georgetown-university-professor">5336173/immigration-georgetown-university-professor</a> .....	17

- 1 Kate Selig and Halina Bennet, *The Trump Administration Revoked 800 Student*  
2 *Visas. Here Is What We Know*, N.Y. TIMES (Apr. 11, 2025),  
3 <https://www.nytimes.com/2025/03/27/us/students-trump-ice-detention.html> .... 18
- 4 Kristi Noem, *X* (Mar. 14, 2025, 11:01 a.m.),  
5 [https://x.com/Sec\\_Noem/status/1900562928849326488](https://x.com/Sec_Noem/status/1900562928849326488)..... 16
- 6 Luis Ferre-Sadurni & Hamed Aleaziz, *How a Columbia Student Fled to Canada*  
7 *After ICE Came Looking for Her*, N.Y. TIMES (Mar. 15, 2025),  
8 [https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-](https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-video.html)  
9 [video.html](https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-video.html)..... 16
- 10 Madeline Halpert, *Marco Rubio Says US Revoked At Least 300 Foreign Students’*  
11 *Visas*, BBC (Mar. 27, 2025), <https://www.bbc.com/news/articles/c75720q9d7lo>  
12 ..... 17
- 13 Michael S. Schmidt, *In Trump’s Second Term, Retribution Comes in Many Forms*,  
14 N.Y. Times (Apr. 7, 2025),  
15 [https://www.nytimes.com/2025/04/07/us/politics/trump-biden-law-firms-](https://www.nytimes.com/2025/04/07/us/politics/trump-biden-law-firms-revenge.html)  
16 [revenge.html](https://www.nytimes.com/2025/04/07/us/politics/trump-biden-law-firms-revenge.html) ..... 16
- 17 Stephanie Saul, *A Mysterious Group Says Its Mission Is to Expose Antisemitic*  
18 *Students*, N.Y. TIMES (Apr. 1, 2025),  
19 [https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-](https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html)  
20 [mission.html](https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html) ..... 18
- 21 Tesfaye Negussie and Nadine El-Bawab, *Doxxing Campaign Against Pro-*  
22 *Palestinian College Students Ramps Up*, ABC NEWS (Oct. 20, 2023),  
23 [https://abcnews.go.com/International/doxxing-campaign-pro-palestinian-college-](https://abcnews.go.com/International/doxxing-campaign-pro-palestinian-college-students-ramps/story?id=104141630)  
24 [students-ramps/story?id=104141630](https://abcnews.go.com/International/doxxing-campaign-pro-palestinian-college-students-ramps/story?id=104141630) ..... 18
- 25 U.S. Citizenship & Immigr. Servs., *Unlawful Presence and*  
26 *Inadmissibility*, [https://www.uscis.gov/laws-and-policy/other-](https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility)  
27 [resources/unlawful-presence-and-inadmissibility](https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility) (last visited Apr. 18, 2025) ..... 8
- 28 University of Minnesota Student Who Was Detained by ICE Sues for Immediate  
Release, Associated Press (Apr. 2, 2025),  
[https://www.cnn.com/2025/04/02/us/university-of-minnesota-graduate-student-](https://www.cnn.com/2025/04/02/us/university-of-minnesota-graduate-student-detained-ice-lawsuit/index.html)  
[detained-ice-lawsuit/index.html](https://www.cnn.com/2025/04/02/us/university-of-minnesota-graduate-student-detained-ice-lawsuit/index.html) ..... 17

1       **I.       INTRODUCTION**

2           Each year, more than a million students from across the world study at U.S.  
3 colleges and universities. They come from diverse corners of the world, often at  
4 great personal sacrifice on the part of family members and loved ones, enriching  
5 classrooms across the country and contributing to fields ranging from the social  
6 sciences and the humanities to STEM. Plaintiff is one of the many students who  
7 have been studying in the United States, making steady academic progress.  
8 However, several weeks ago, Plaintiff's world came to a halt. Defendants illegally  
9 terminated Plaintiff's Student and Exchange Visitor Information Systems (SEVIS)  
10 record, effectively ending their student status in the United States, as part of  
11 broader plan to convince thousands of international students who did nothing to  
12 violate the terms of their status to prematurely abandon their studies or post-  
13 graduate training and "self-deport."

14           Defendants' brazen attack on international students started with highly  
15 publicized arrests of students who engaged in political protest or expressed views  
16 that the administration dislikes. However, Defendants' actions did not stop there. In  
17 recent weeks, Defendants have abruptly terminated the SEVIS records of over four  
18 thousand students,<sup>1</sup> many of which had not participated in any political activity to  
19 speak of. Instead, those students, including Plaintiff, have had minor brushes with  
20 law enforcement, prompting the administration to arbitrarily decide, contrary to  
21 statutory and regulatory authority, that they should no longer be able to remain in  
22 the United States.

23           Plaintiff's future now hangs in the balance due to Defendants' irresponsible  
24 actions. Plaintiff faces irreparable harm in the form of damage to their academic

---

25           <sup>1</sup> See Andrew Kreighbaum, *Lawsuits Over Foreign Students' Status Find Solid*  
26 *Legal Footing*, BLOOMBERG LAW (April 15, 2025),  
27 [https://news.bloomberglaw.com/daily-labor-report/lawsuits-over-foreign-students-](https://news.bloomberglaw.com/daily-labor-report/lawsuits-over-foreign-students-status-find-solid-legal-footing)  
28 [status-find-solid-legal-footing](https://news.bloomberglaw.com/daily-labor-report/lawsuits-over-foreign-students-status-find-solid-legal-footing).

1 plans, their athletic career, and loss of life-changing opportunities. Defendants’  
2 termination—and the prospect of detention and coerced departure—has also  
3 negatively impacted Plaintiff’s mental health. Intervention by the Court in the form  
4 is necessary to preserve the status quo until Plaintiff can vindicate their rights.

5 Plaintiff meets all the requirements for a temporary restraining order under  
6 Rule 65, or alternatively, a stay under the Administrative Procedure Act (APA) §  
7 705. No authority supports Defendants’ unprecedented SEVIS terminations and at  
8 least thirteen federal courts have already issued temporary restraining orders in  
9 similar cases. Moreover, the balance of hardships tips sharply in Plaintiff’s favor,  
10 and the public interest is not served by permitting federal agencies to act outside the  
11 bounds of law and due process.

12 Additionally, Plaintiff requests that the Court permit them to proceed under a  
13 pseudonym, impose restrictions on the use of Plaintiff’s identity or related personal  
14 information for any purpose outside this litigation, and prohibit Defendants from  
15 detaining Plaintiff or transferring Plaintiff outside the jurisdiction of this District.  
16 To be clear, Plaintiff does not intend to withhold their identity from Defendants,  
17 only the public. However, protective measures are necessary in light of a well-  
18 documented and escalating pattern of retribution against those who challenge the  
19 government to ensure that Plaintiff can prosecute this action—and other students  
20 can likewise feel safe bringing similar actions—free from retaliation, harassment,  
21 and blacklisting.

## 22 **II. BACKGROUND**

23 Plaintiff is an international student approved to attend a college in the Inland  
24 Empire. Declaration of XXX XXX (“Student Doe #1 Decl.”), Ex. A to Tolchin  
25 Decl., ¶ 3.<sup>2</sup> They first came to the United States on a student visa when they were a  
26

---

27 <sup>2</sup> Plaintiff submits their declaration in redacted form, but can submit an unredacted  
28 version under seal to the Court upon request.

1 minor. *Id.*, ¶ 2. They are a student athlete focused on their studies and their sport.  
2 *Id.*, ¶¶ 3, 5. Plaintiff brought the instant lawsuit after receiving notification from  
3 their school on or about April 1, 2025 that their SEVIS record had suddenly been  
4 terminated. *Id.*, ¶ 7. The termination was not initiated by the school, but by ICE’s  
5 Student and Exchange Visitor Program (SEVP). Plaintiff alleged that Defendants’  
6 termination of their SEVIS record was without statutory or regulatory authority, in  
7 violation of their due process rights, and arbitrary and capricious, and thus subject  
8 to review under the APA. Complaint, Dkt. 1, ¶¶ 37-40, 45-52. Plaintiff also brought  
9 a claim of violation of due process under the Fifth Amendment to the U.S.  
10 Constitution. *Id.*, ¶¶ 41-44.

11 Initially, the SEVIS system showed the reason for Plaintiff’s termination as  
12 “otherwise failing to maintain status” and cited two codes: one which implied that  
13 Plaintiff was out of status and one related to the foreign policy ground of  
14 deportability. Student Doe #1 Decl., ¶ 7. After Plaintiff filed this suit, SEVP then  
15 altered the SEVIS portal. *Id.* The ground of termination was changed to “OTHER –  
16 Individual identified in criminal records check and/or has had their VISA revoked.  
17 SEVIS record has been terminated.” *Id.* This is consistent with a pattern across the  
18 country where student SEVIS records are being terminated using this notation. *See*  
19 Tolchin Decl., ¶ 5 & Ex. B, Attachment 1. This “OTHER” notation had never been  
20 used before in SEVP initiated terminations in SEVIS. Notably, on or around April  
21 8, 2024, DHS updated webpage discussing SEVIS “Termination Reasons” to  
22 include, for the first time, a new “OTHER” category under “SEVP-Only  
23 Termination Reasons” described as follows: “[a] SEVIS adjudicator uses this  
24 termination reason when no other reasons apply.”<sup>3</sup> There is no basis in law for such  
25 a termination.

26  
27 <sup>3</sup> Compare Dep’t of Homeland Sec., Study in the States, *Termination Reasons*,  
28 <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and->



1           Additionally, while not every international student impacted by Defendants’  
2 SEVIS terminations has received a communication from the State Department  
3 informing them that their visa has been revoked, many have. The communications  
4 students have received threaten them with removal and state that “deportation can  
5 take place at a time that does not allow the person being deported to secure  
6 possessions or conclude affairs in the United States [and that] [p]ersons being  
7 deported may be sent to countries other than their countries of origin.” Tolchin  
8 Decl., ¶ 6 & Ex. C, Attachment 2. They also provide information on how students  
9 can self-deport. *Id.* Notably, communications from consular offices informing  
10 students of visa revocations in the past did not falsely insinuate that a visa  
11 revocation effectuated a loss of status or ability to remain in the United States. *See*  
12 Tolchin Decl., ¶ 6 & Ex. C, Attachment 1.

13           Since Plaintiff received notification of the termination of their SEVIS record,  
14 they have been experiencing high levels of stress and anxiety. Student Doe #1  
15 Decl., ¶ 13. Without a SEVIS record, Plaintiff is unable to transfer to a new school  
16 program for this summer and will be unable to work. *Id.* Plaintiff feels that the  
17 government is attempting to coerce Plaintiff to abandon their studies and sport and  
18 leave the country even though Plaintiff has been engaged in a full course of study  
19 and not done anything to violate their status. *Id.*, ¶¶ 3, 5, 8-9.

20           The government has not placed Plaintiff in proceedings nor as of yet  
21 attempted to detain Plaintiff. *Id.*, ¶ 10. However, Plaintiff has been following the  
22 news and is terrified of being detained by Defendants in retaliation for having filed  
23

24 \_\_\_\_\_  
25 [terminations/termination-reasons](https://web.archive.org/web/20250408211432/https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons) (last visited Apr. 18, 2025) with Dep't of  
26 Homeland Sec., Study in the States, *Termination Reasons*,  
27 [https://web.archive.org/web/20250408211432/https://studyinthestates.dhs.gov/sevis](https://web.archive.org/web/20250408211432/https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons)  
28 [-help-hub/student-records/completions-and-terminations/termination-reasons](https://web.archive.org/web/20250408211432/https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons)  
(archived Apr. 8, 2025).



1 this lawsuit. *Id.* Plaintiff is also fearful of harassment and blacklisting by third  
2 parties. *Id.*, ¶¶ 11-12.

3 Plaintiff's only criminal history is a misdemeanor conviction for reckless  
4 driving, *id.*, ¶ 4, a nondeportable offense. They also have not engaged in any  
5 significant political activity. *Id.*, ¶ 6.<sup>4</sup>

### 6 **III. STANDARD OF REVIEW**

7 A Temporary Restraining Order ("TRO") may be issued upon a showing  
8 "that immediate and irreparable injury, loss, or damage will result to the movant  
9 before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A). A  
10 trial court may grant a TRO or a preliminary injunction to "preserve the status quo  
11 and the rights of the parties" until a decision can be made in the case. *U.S. Philips*  
12 *Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1094 (9th Cir. 2010). The status quo in  
13 this context "refers not simply to any situation before the filing of a lawsuit, but  
14 instead to 'the last uncontested status which preceded the pending controversy[.]' "  
15 *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000) (quoting  
16 *Tanner Motor Livery, Ltd. v. Avis, Inc.*, 316 F.2d 804, 809 (9th Cir. 1963). The  
17 analysis for a TRO and a preliminary injunction is the same. *Frontline Med. Assoc.,*  
18 *Inc. v. Coventry Healthcare Workers Compensation, Inc.*, 620 F. Supp. 2d 1109,  
19 1110 (C.D. Cal. 2009).

20 To obtain a preliminary injunction, a plaintiff "must establish [1] that he is  
21 likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the  
22 absence of preliminary relief, [3] that the balance of equities tips in their favor, and  
23

---

24 <sup>4</sup> Even if Plaintiff had engaged in political activity, that would not make  
25 Defendants' conduct acceptable. See *Keyishian v. Bd. of Regents of Univ. of State*  
26 *of N. Y.*, 385 U.S. 589, 603 (1967) ("Our Nation is deeply committed to  
27 safeguarding academic freedom, which is of transcendent value to all of us and not  
28 merely to the teachers concerned...[t]he vigilant protection of constitutional  
freedoms is nowhere more vital than in the community of American schools.")

1 [4] that an injunction is in the public interest.” *City & County of San Francisco v.*  
2 *USCIS*, 944 F.3d 773, 788-89 (9th Cir. 2019)(quoting *Winter v. Nat. Res. Def.*  
3 *Council, Inc.*, 555 U.S. 7, 20 (2008). “Likelihood of success on the merits is the  
4 most important factor.” *California v. Azar*, 911 F.3d 558, 575 (9th Cir. 2018)  
5 (quotations omitted). If the first two factors are met, the third and fourth factors  
6 merge when the Government is the opposing party. *Nken v. Holder*, 556 U.S. 418,  
7 435 (2009).

8 Additionally, in the Ninth Circuit, courts also “employ an alternative ‘serious  
9 questions’ standard, also known as the ‘sliding scale’ variant of the *Winter*  
10 standard.” *Fraihat v. U.S. Immigr. & Customs Enft*, 16 F.4th 613, 635 (9th Cir.  
11 2021) (quotations and citations omitted and alterations accepted). “Under that  
12 formulation, ‘serious questions going to the merits’ and a balance of hardships that  
13 tips sharply towards the plaintiff[s] can support issuance of a preliminary  
14 injunction, so long as the plaintiff[s] also show[ ] that there is a likelihood of  
15 irreparable injury and that the injunction is in the public interest.” *Id.* (quoting *All.*  
16 *for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134 (9th Cir. 2011)).

17 In addition, the APA provides that “to the extent necessary to prevent  
18 irreparable injury,” the Court may issue “all necessary and appropriate process . . .  
19 to preserve status or rights pending” these proceedings. 5 U.S.C. § 705. The  
20 standard used by courts for a request to stay agency action “is the same legal  
21 standard as that used in a motion for preliminary injunction.” *Hill Dermaceuticals,*  
22 *Inc. v. U.S. Food & Drug Admin.*, 524 F. Supp. 2d 5, 8 (D.D.C. 2007); *Nken*, 556  
23 U.S. at 428 (describing a stay as “halting or postponing” operation of an action or  
24 “temporarily divesting an order of enforceability”).

25 Plaintiff meets all the requirements for relief.

26 **IV. ARGUMENT**  
27  
28

**A. Plaintiff is Likely to Succeed on the Merits Because the Termination of their SEVIS Record is Blatantly Unlawful**

Plaintiff meets both the *Winter* and *Cottrell* standards because ICE's termination of their SEVIS record was not in accordance with law, violated the requirements of procedural due process, and was arbitrary and capricious. Not only are there serious questions going to the merits, but it's clear that Plaintiff is likely to succeed. In fact, at least thirteen district courts across the country have already granted Temporary Restraining Orders finding a likelihood of success on the merits in substantially identical challenges to SEVIS terminations. *See, e.g., Liu v. Noem*, No. 25-cv-133-SE (D.N.H. Apr. 10, 2025); *Wu v. Lyons*, No. 25-cv-01979-NCM (E.D.N.Y. Apr. 11, 2025); *Arizona Student Doe #2 v. Trump*, No. 25-cv-00175-TUC-AMM (D. Ariz. Apr. 15, 2025); *Doe v. Noem*, No. 2:25-cv-633 (W.D. Wash. Apr. 17, 2025).<sup>5</sup>

***1. The SEVIS Termination Violates the Administrative Procedure Act as it was Not in Accordance with Law and Arbitrary and Capricious (Count 1 and Count 4)***

The termination of Plaintiff's SEVIS record effectively ended Plaintiff's international student status in the United States. It was done without basis in law and arbitrary and capricious.

An F-1 student visa allows an international student to enter the United States. This visa controls a student's admission into the country, not their continued stay. Once admitted in F-1 status, a student is granted permission to remain in the United States for the duration of status (D/S), provided they continue to meet the requirements established by 8 C.F.R. § 214.2(f), such as maintaining a full course of study. The regulations implementing 8 U.S.C. § 1101(a)(15)(F)(i) (defining student visas) define D/S "as the time during which an F-1 student is pursuing a full

---

<sup>5</sup> All thirteen orders are included at Tolchin Decl., ¶ 7 & Ex. D.

1 course of study at an educational institution certified by SEVP for attendance by  
2 foreign students.” 8 C.F.R. § 214.2(f)(5)(i).

3 An international student who has completed study may be eligible for  
4 Optional Practical Training (“OPT”) or Curricular Practical Training (“CPT”),  
5 which allows a student to engage in employment during and/or after completing a  
6 course of study at a U.S. educational institution. *See* 8 C.F.R. § 214.2(f)(10)(ii).  
7 Students may also be employed by their education institutions directly, for example  
8 as teaching assistants. SEVIS enrollment and a valid I-20, “Certificate of Eligibility  
9 for Nonimmigrant Student Status,” which is issued by an SEVP-certified school  
10 through SEVIS, are required in order for employment to be authorized. 8 C.F.R. §§  
11 214.2(f)(1)(iii), (f)(10)(i), (11)(i)-(ii). An I-20 is also necessary for school transfer.  
12 8 C.F.R. § 214.2(f)(8)(ii).

13 The SEVIS record is not merely a passive tracking tool; rather, it is the  
14 operational mechanism through which student status is actively managed and  
15 validated. A student with a terminated SEVIS record has no valid Form I-20.  
16 Termination renders them ineligible to work, ineligible to request a reduced  
17 courseload, and ineligible to transfer schools or change status.<sup>6</sup> DHS’s practice and  
18 regulations have consistently affirmed that a terminated SEVIS record equates to  
19 terminated student status. For example, DHS commonly points to the termination  
20 of SEVIS status in Immigration Court as evidence that a student is in violation of  
21 their student status and is therefore removable. *See, e.g., In Re: Myoung Sook Park*,  
22 AXXX XX2 580, 2017 WL 1330106 (BIA Mar. 8, 2017); *In Re: Enrique Ganesh*  
23 *Doreste Kathiravetpillai*, 2010 WL 2390757 (BIA May 27, 2010). Additionally,

---

24  
25 <sup>6</sup> DHS may even take the position that SEVIS termination starts the accrual of  
26 unlawful presence. U.S. Citizenship & Immigr. Servs., Unlawful Presence and  
27 Inadmissibility, [https://www.uscis.gov/laws-and-policy/other-resources/unlawful-](https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility)  
28 [presence-and-inadmissibility](https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility) (last visited Apr. 18, 2025). *But see Guilford College,*  
*et al. v. McAleenan, et al.*, No. 1:18-cv-00891 (M.D.N.C. Oct. 23, 2018)

1 when a student seeks reinstatement of student status after falling out, USCIS “will  
2 update SEVIS to reflect USCIS’s decision.” 8 C.F.R. § 214.2(f)(16)(ii).

3 A student “fails to maintain status” if they are no longer in compliance with  
4 the requirements of 8 C.F.R. § 214.2(f) such as when they are no longer “making  
5 normal progress toward completing a course of study.” 8 C.F.R. § 214.2(f)(5)(i).  
6 *See also* 214.2(f)(6)(iii). Additionally, any noncitizen admitted under a  
7 nonimmigrant visa category, including students, also falls out of status if they  
8 engage in unauthorized employment, provide false information to DHS, or are  
9 convicted of a crime of violence with a potential sentence of more than a year. *See*  
10 8 C.F.R. §§ 214.1(e)–(g). A student’s status can only end in two circumstances: if  
11 they “fail to maintain status” as specified in the regulations, 8 C.F.R. §§ 214.2(f),  
12 214.1(e)–(g), or (2) DHS terminates their status under the conditions described in 8  
13 C.F.R. § 214.1(d). None of these circumstances apply to Plaintiff.

14 At the time of their SEVIS termination, Plaintiff was a full-time student  
15 making normal progress towards their degree. Student Doe #1 Decl., ¶ 3. While  
16 Plaintiff’s SEVIS termination references a criminal record check, Plaintiff has not  
17 been convicted of any crime of violence, let alone one with a potential sentence of  
18 more than a year. *Id.*, ¶¶ 4-5.

19 DHS also has no authority to terminate Plaintiff’s status. DHS may only  
20 unilaterally terminate nonimmigrant status in three narrow circumstances: (1)  
21 where a previously granted waiver under 8 U.S.C. § 1182(d)(3) or (4) is revoked;  
22 (2) if a private bill to confer lawful permanent residence is introduced in Congress;  
23 or (3) if DHS publishes a notification in the Federal Register identifying national  
24 security, diplomatic, or public safety reasons for termination. 8 C.F.R. § 214.1(d).  
25 No other circumstances allow termination. *See Jie Fang v. Dir. United States*  
26 *Immigr. & Customs Enft*, 935 F.3d 172, 185 n. 100 (3d Cir. 2019). This is true  
27 even with respect to visa revocations. *See Tolchin Decl.*, Ex. E, U.S. Dep’t of  
28 Homeland Sec., U.S. Immigr. & Customs Enft, Student & Exch. Visitor Program,

1 *Policy Guidance 1004-04: Visa Revocations* (June 7, 2010) (“Visa revocation is  
2 not, in itself, a cause for termination of the student’s SEVIS record.”); Ex. F, *U.S.*  
3 *Dep’t of State*, Guidance Directive 2016-03, 9 FAM 403.11-3 – VISA  
4 REVOCATION (Sept. 2, 2016) (student with revoked visa can continue to pursue  
5 their course of study, but upon departure, SEVIS record is terminated and the  
6 student must obtain a new visa from a consulate or embassy abroad before  
7 returning to the U.S.).

8 Accordingly, Defendants had no authority to terminate Plaintiff’s SEVIS  
9 record. Defendants’ termination is not in accordance with law under the APA. *See*  
10 *Nat’l Ass’n of Home Builders v. Norton*, 340 F.3d 835, 852 (9th Cir. 2003); *Wallace*  
11 *v. Christensen*, 802 F.2d 1539, 1552 n. 8 (9th Cir. 1986) (holding that an agency “is  
12 bound by its own regulations so long as they remain in force.”) Additionally,  
13 Defendants’ termination was arbitrary and capricious because Defendants failed to  
14 “articulate a satisfactory explanation for its action including a ‘rational connection  
15 between the facts found and the choice made.’” *Motor Vehicle Mfrs. Ass’n of U.S.,*  
16 *Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 42 (1983), quoting *Burlington*  
17 *Truck Lines v. United States*, 371 U.S. 156, 168 (1962). Plaintiff may challenge  
18 Defendant’s SEVIS termination because it constitutes final agency action for  
19 purposes of the APA. *Jie Fang*, 935 F.3d at 182. (finding that a SEVIS termination  
20 “marked the consummation of the agency’s decisionmaking process, and is  
21 therefore a final order”).

22 Multiple district courts have already reached the same conclusion in the TRO  
23 context. *See, e.g., Arizona Student Doe #2 v. Trump*, No. CV-25-00175-TUC-  
24 AMM (D. Ariz. Apr. 15, 2025) (“the Government has unlawfully terminated  
25 Plaintiff’s [SEVIS] record and revoked Plaintiff’s F-1 visa in order to arrest, detain,  
26 or transfer Plaintiff far from Plaintiff’s home, school, employer, and community  
27 without any hearing”); *Doe v. Noem*, No. 2:25-cv-633 (W.D. Wash. Apr. 17, 2025)  
28 (holding that the “[t]ermination of the SEVIS record because of the DUI arrest is



1 inconsistent with agency regulations, which renders the decision invalid” and that  
2 such terminations are arbitrary and capricious). The Court should find that Plaintiff  
3 has a likelihood of success on Counts 1 and 4 of Plaintiff’s Complaint.

4 **2. *The SEVIS Termination Violates the Fifth Amendment’s Due***  
5 ***Process Clause (Count 2 and Count 3)***

6 The Due Process Clause of the Fifth Amendment requires that no person  
7 shall “be deprived of life, liberty, or property, without due process of law.” U.S.  
8 Const. amend. V. “A threshold requirement to a substantive or procedural due  
9 process claim is the plaintiff’s showing of a liberty or property interest protected by  
10 the Constitution.” *Ching v. Mayorkas*, 725 F.3d 1149, 1155 (9th Cir. 2013)  
11 (quotations and citations omitted).

12 Plaintiff has a constitutionally protected property interest continued SEVIS  
13 registration. A benefit is a constitutionally protected property interest if it is  
14 mandatory in nature. *See Town of Castle Rock v. Gonzales*, 545 U.S. 748, 756  
15 (2005) (“Our cases recognize that a benefit is not a protected entitlement if  
16 government officials may grant or deny it in their discretion”); *Wedges/Ledges of*  
17 *California, Inc. v. City of Phoenix, Ariz.*, 24 F.3d 56, 62 (9th Cir. 1994) (“A  
18 protected property interest is present where an individual has a reasonable  
19 expectation of entitlement...[and] [a] reasonable expectation of entitlement is  
20 determined largely by the language of the statute and the extent to which the  
21 entitlement is couched in mandatory terms.”). Once a student is lawfully admitted  
22 to the United States in F-1 status and complies with the regulatory requirements of  
23 that status, the continued recognition of that status is governed by specific and  
24 mandatory rules. DHS has no discretion to terminate a student’s SEVIS record or  
25 otherwise effectuate an end to a student’s status, directly or indirectly, outside of  
26 those rules. Courts in this Circuit regularly acknowledge such protected property  
27 interests in the context of immigration benefits. *See Ching*, 725 F.3d at 1154-55  
28

1 (9th Cir. 2013)(recognizing a protected property interest in an I-130 visa petition);  
2 *ASSE Int'l, Inc. v. Kerry*, 803 F.3d 1059 (9th Cir. 2015) (recognizing protected  
3 property interest in participating in exchange visitor program); *Brown v. Holder*,  
4 763 F.3d 1141, 1148 (9th Cir. 2014) (recognizing protected property interest in  
5 application for naturalization).

6 Despite this protected interest, Plaintiff received no prior notice from  
7 Defendants and no opportunity to review the alleged grounds for termination. *See*  
8 *ASSE Int'l, Inc.*, 803 F.3d, at 1076 (“The fundamental requisite of due process of  
9 law is the opportunity to be heard[ ] ... at a meaningful time and in a meaningful  
10 manner.”) (quotations and citations omitted and alterations accepted). The lack of  
11 any procedural safeguards violates the Due Process Clause of the Fifth Amendment  
12 and is independently actionable under both constitutional and APA grounds. *See*  
13 *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); 5 U.S.C. § 706(2)(B).

14 **B. Plaintiff Will Suffer Irreparable Harm and the Equities Tip in**  
15 **Plaintiff’s Favor**

16 The termination of Plaintiff’s SEVIS record has left them in legal and  
17 academic limbo. As an initial matter, “it is well established that the deprivation of  
18 constitutional rights ‘unquestionably constitutes irreparable injury.’” *Rodriguez v.*  
19 *Robbins*, 715 F.3d 1127, 1144 (9th Cir. 2013) (quoting *Melendres v. Arpaio*, 695  
20 F.3d 990, 1002 (9th Cir. 2012).

21 Moreover, beyond the constitutional harm, the unlawful termination of  
22 Plaintiff’s SEVIS record has threatened their ability to remain in the United States  
23 as an international student and continue their education and athletic career. *See*  
24 *Maria v. Loyola Univ. of Chicago Stritch Sch. of Med.*, No. 24 C 1698, 2025 WL  
25 96482, at \*8 (N.D. Ill. Jan. 14, 2025) (accepting that loss of opportunity to  
26 participate in psychiatry residency is an irreparable harm, though denying  
27 injunction on other grounds); *Lujan v. United States Dep’t of Educ.*, 664 F. Supp.  
28 3d 701, 721 (W.D. Tex. 2023) (finding that erroneous loss of even one point on



1 Fulbright scholarship application grading would be an irreparable harm, due to loss  
2 of opportunity to obtain scholarship).

3 Crucially, Plaintiff needs their SEVIS record to transfer to a new academic  
4 program within the next several weeks. Student Doe #1 Decl. Ex. A, ¶ 13. They are  
5 being recruited by multiple schools due to their excellent performance as a scholar  
6 athlete. Tolchin Decl., Ex. L (School Letter). The ability to transfer is key to their  
7 ability to continue their education and athletic career. SEVIS termination is not  
8 only disrupting those goals, but threatening to derail a life-changing opportunity for  
9 Plaintiff to participate in a Division I program on an athletic scholarship. *Id.*  
10 Additionally, Plaintiff needs to be able to work but cannot get CPT without a  
11 SEVIS record. Student Doe #1 Decl. Ex. A, ¶ 13.

12 Plaintiff's fear of arrest and detention is also not speculative. For students  
13 with a terminated SEVIS record, the threat of arrest and detention is real. Indeed,  
14 Defendants' intent was for students to fear such a possibility. *See supra* at 3  
15 (describing consular email). On its website, DHS states that when a SEVIS record  
16 is terminated, "Immigration and Customs Enforcement (ICE) agents may  
17 investigate to confirm the departure of the student."<sup>7</sup> Moreover, numerous  
18 international students have already been detained. *See infra* at 16-18. Plaintiff's  
19 counsel recently learned that at least four international students in Minnesota with  
20 no apparent connection to protest activity were detained and placed in removal  
21 proceedings after their SEVIS records were terminated. Tolchin Decl., ¶ 10 & Ex.  
22 G (Chan Decl.). And a student in Arizona with a SEVIS record termination is also  
23 currently detained and in removal proceedings. *Id.*, ¶ 11 & Ex. H (Green Decl).  
24 Plaintiff now faces the same looming risk.

---

25  
26 <sup>7</sup> DHS, Terminate a Student (last updated Nov. 7, 2024),  
27 [https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-](https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student)  
28 [terminations/terminate-a-student](https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student).

1 On balance, the equities tip sharply in Plaintiff's favor. While the harms to  
2 Plaintiff's academic progress, athletic career, and reputation are immense, the  
3 government suffers no hardship from being temporarily restrained from enforcing  
4 an *unlawful* SEVIS termination. *See Valle del Sol Inc. v. Whiting*, 732 F.3d 1006,  
5 1029 (9th Cir. 2013) ("[I]t is clear that it would not be equitable or in the public's  
6 interest to allow the state . . . to violate the requirements of federal law, especially  
7 when there are no adequate remedies available.")

8 In sum, because Plaintiff has met all four prongs of the *Winter* test, and  
9 independently satisfies the Cottrell "serious questions" alternative, the Court should  
10 grant the requested temporary protective order.

### 11 **C. No Bond Is Necessary**

12 The Court has discretion to set the amount of security required for a  
13 temporary restraining order or preliminary injunction under Rule 65(c), if  
14 any. *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009) Indeed, "[t]he  
15 district court may dispense with the filing of a bond when it concludes there is no  
16 realistic likelihood of harm to the defendant from enjoining his or her  
17 conduct.'" *Id.* (quoting *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003)).  
18 Here, it is unlikely any harm will come to Defendants as a result of a grant of  
19 temporary relief and Defendants will incur negligible or zero financial costs.  
20 Plaintiff therefore asks the Court to exercise its discretion to waive the bond  
21 requirement.

### 22 23 **D. The Court Should Permit Plaintiff to Proceed Under Pseudonym in** 24 **this Action and Enter Additional Protective Measures**

25 Although Rule 10(a) of the Federal Rules of Civil Procedure generally  
26 requires that a complaint include the name of all parties, it is well-established that  
27 federal courts have discretion to permit parties to proceed under pseudonyms  
28

1 “when special circumstances justify secrecy.” *Does I thru XXIII v. Advanced*  
2 *Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000) (collecting cases). Parties to  
3 litigation may proceed using a pseudonym with leave of the court. *See, e.g., U.S. v.*  
4 *Doe*, 655 F.2d 920, 922 n.1 (9th Cir. 1981)(“Where it is necessary . . . to protect a  
5 person from harassment, injury, ridicule or personal embarrassment, courts have  
6 permitted the use of pseudonyms.”); *Balance Studio, Inc. v. Cybernet Entm’t, LLC*,  
7 204 F. Supp. 3d 1098, 1100–01 (N.D. Cal. 2016); *Doe v. Penzato*, No. CV10-5154  
8 MEJ, 2011 WL 1833007, at \*3 (N.D. Cal. May 13, 2011); *Santa Fe Indep. Sch.*  
9 *Dist. v. Doe*, 530 U.S. 290, 294 n.1 (2000) (noting that the district court permitted  
10 plaintiffs “to litigate anonymously to protect them from intimidation or  
11 harassment”).

12 In this Circuit, courts analyze a request to proceed under a pseudonym or  
13 anonymously by analyzing whether “the party’s need for anonymity outweighs  
14 prejudice to the opposing party and the public’s interest in knowing the party’s  
15 identity.” *Advanced Textile*, 214 F.3d at 1068. Relevant factors include “(1) the  
16 severity of the threatened harm . . . (2) the reasonableness of the anonymous party's  
17 fears . . . and (3) the anonymous party's vulnerability to such retaliation.” *Id.*  
18 *Advanced Textile* also recognizes that where anonymity is warranted, a court may  
19 also issue protective orders to govern the terms of disclosure and use of information  
20 about a party’s identity pursuant to its inherent powers to manage court proceedings  
21 and Federal Rule of Civil Procedure 26(c). 214 F.3d at 1069.

22  
23 ***1. Protective Measures Are Needed to Preserve Plaintiff’s Right of***  
24 ***Access to the Court***  
25  
26  
27  
28

1 One of the hallmarks of this administration has been a willingness to exact  
2 revenge on the government's foes and perceived foes.<sup>8</sup> Whether it is former  
3 government officials, law firms, educational institutions, or others, the  
4 administration has not hesitated to use its vast power to compel allegiance or make  
5 life difficult for those who are seen as disloyal.

6 With respect to noncitizen students, the hammer has come down particularly  
7 hard. For example, on March 5, 2025, the government informed a graduate student  
8 and Fulbright recipient at Columbia University who had participated in protests last  
9 year, Ranjani Srinivasan, that her student visa had been revoked.<sup>9</sup> They began  
10 searching for her, eventually raiding her apartment. Fearing for her safety, she left  
11 the United States. Secretary of Homeland Security Kristi Noem then posted on X,  
12 "I'm glad to see one of the Columbia University terrorist sympathizers use the CBP  
13 Home app to self deport."<sup>10</sup> On March 21, 2025, Momodou Taal, a student at  
14 Cornell University who had filed a lawsuit challenging the administration's  
15 crackdown, was asked to surrender to immigration authorities.<sup>11</sup> He eventually self-  
16 deported. On March 25, 2025, six plainclothes federal officers ambushed Rümeysa

---

17 <sup>8</sup> See Michael S. Schmidt, *In Trump's Second Term, Retribution Comes in Many*  
18 *Forms*, N.Y. TIMES (Apr. 7, 2025),  
19 [https://www.nytimes.com/2025/04/07/us/politics/trump-biden-law-firms-](https://www.nytimes.com/2025/04/07/us/politics/trump-biden-law-firms-revenge.html)  
20 [revenge.html](https://www.nytimes.com/2025/04/07/us/politics/trump-biden-law-firms-revenge.html).

21 <sup>9</sup> Luis Ferre-Sadurni & Hamed Aleaziz, *How a Columbia Student Fled to Canada*  
22 *After ICE Came Looking for Her*, N.Y. TIMES (Mar. 15, 2025),  
23 [https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-](https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-video.html)  
24 [video.html](https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-video.html).

25 <sup>10</sup> Kristi Noem, X (Mar. 14, 2025, 11:01 a.m.),  
26 [https://x.com/Sec\\_Noem/status/1900562928849326488](https://x.com/Sec_Noem/status/1900562928849326488).

27 <sup>11</sup> Benjamin Leynse and Avery Wang, *A Pro-Palestinian Activist Lost His Case, but*  
28 *the "Fight From Below" Continues*, THE NATION (Apr. 7, 2025),  
[https://www.thenation.com/article/activism/momodou-taal-palestine-cornell-](https://www.thenation.com/article/activism/momodou-taal-palestine-cornell-university-trump-lawsuit/)  
[university-trump-lawsuit/](https://www.thenation.com/article/activism/momodou-taal-palestine-cornell-university-trump-lawsuit/).

1 Öztürk, a graduate student at Tufts University, outside her home, apparently for co-  
2 authoring an op-ed.<sup>12</sup> At the time, she was not aware that her visa had been  
3 revoked. Additional arrests in recent weeks have taken place in New York,  
4 Washington D.C., Alabama, and other states.<sup>13</sup> Secretary of State Marco Rubio  
5 called the international students “lunatics.”<sup>14</sup> A number of the students have been  
6 quickly moved across state lines to detention facilities in Louisiana or Texas.<sup>15</sup>

---

8 <sup>12</sup> Dalia Faheid & Gloria Pazmino, *A PhD Student Was Snatched by Masked*  
9 *Officers in Broad Daylight*, CNN (Mar. 29, 2025),  
10 [https://www.cnn.com/2025/03/29/us/rumeyza-ozturk-tufts-university-arrest-](https://www.cnn.com/2025/03/29/us/rumeyza-ozturk-tufts-university-arrest-saturday/index.html)  
11 [saturday/index.html](https://www.cnn.com/2025/03/29/us/rumeyza-ozturk-tufts-university-arrest-saturday/index.html).

12 <sup>13</sup> Eliza Shapiro, *Immigration Authorities Arrest Pro-Palestinian Activist at*  
13 *Columbia*, N.Y. TIMES (Mar. 9, 2025),  
14 [https://www.nytimes.com/2025/03/09/nyregion/ice-arrests-palestinian-activist-](https://www.nytimes.com/2025/03/09/nyregion/ice-arrests-palestinian-activist-columbia-protests.html)  
15 [columbia-protests.html](https://www.nytimes.com/2025/03/09/nyregion/ice-arrests-palestinian-activist-columbia-protests.html) (arrest of Mahmoud Khalil); Jaclyn Diaz, *What We Know*  
16 *About the Case of Detained Georgetown Professor Badar Khan Suri*, NPR (Mar.  
17 21, 2025), [https://www.npr.org/2025/03/21/nx-s1-5336173/immigration-](https://www.npr.org/2025/03/21/nx-s1-5336173/immigration-georgetown-university-professor)  
18 [georgetown-university-professor](https://www.npr.org/2025/03/21/nx-s1-5336173/immigration-georgetown-university-professor) (arrest of postdoctoral fellow Badar Khan Suri);  
19 Eduardo Medina and Anemona Hartocollis, *ICE Agents Detain University of*  
20 *Alabama Doctoral Student*, N.Y. TIMES (Mar. 26, 2025),  
21 [https://www.nytimes.com/2025/03/26/us/ice-detains-doctoral-student-university-](https://www.nytimes.com/2025/03/26/us/ice-detains-doctoral-student-university-alabama.html)  
22 [alabama.html](https://www.nytimes.com/2025/03/26/us/ice-detains-doctoral-student-university-alabama.html) (arrest of doctoral student at U of Alabama); *University of Minnesota*  
23 *Student Who Was Detained by ICE Sues for Immediate Release*, ASSOC. PRESS  
(Apr. 2, 2025), [https://www.cnn.com/2025/04/02/us/university-of-minnesota-](https://www.cnn.com/2025/04/02/us/university-of-minnesota-graduate-student-detained-ice-lawsuit/index.html)  
24 [graduate-student-detained-ice-lawsuit/index.html](https://www.cnn.com/2025/04/02/us/university-of-minnesota-graduate-student-detained-ice-lawsuit/index.html) (arrest of Doğukan Günaydın);  
25 Helen Rummel, *International ASU Student Detained After Visa Revoked*, ARIZ.  
26 TIMES (Apr. 4, 2025), [https://www.azcentral.com/story/news/local/arizona-](https://www.azcentral.com/story/news/local/arizona-education/2025/04/04/arizona-state-university-student-detained-after-visa-revocation/82793138007/)  
27 [education/2025/04/04/arizona-state-university-student-detained-after-visa-](https://www.azcentral.com/story/news/local/arizona-education/2025/04/04/arizona-state-university-student-detained-after-visa-revocation/82793138007/)  
28 [revocation/82793138007/](https://www.azcentral.com/story/news/local/arizona-education/2025/04/04/arizona-state-university-student-detained-after-visa-revocation/82793138007/) (arrest of student at ASU).

24 <sup>14</sup> Madeline Halpert, *Marco Rubio Says US Revoked At Least 300 Foreign*  
25 *Students' Visas*, BBC (Mar. 27, 2025),  
26 <https://www.bbc.com/news/articles/c75720q9d7lo>.

27 <sup>15</sup> Jaclyn Diaz & Adrian Florido, *Why Is Trump Sending Immigrant University*  
28 *Students to Louisiana and Texas?*, NPR (Apr. 8, 2025),

1 The government's targeting of students has expanded far beyond just those  
2 who have been vocal about Palestine.<sup>16</sup> The government's actions by ICE have  
3 been accompanied, or have sometimes been preceded, by harassment or doxxing of  
4 students by right-wing groups.<sup>17</sup>

5 Plaintiff has an inalienable right to "petition the government for a redress of  
6 grievances." U.S. Const. amend. I. The Supreme Court has recognized this right "as  
7 one of the most precious of the liberties safeguarded by the Bill of Rights[.]" *BE &*  
8 *K Const. Co. v. N.L.R.B.*, 536 U.S. 516, 524-25 (2002) (internal citation omitted).  
9 The Court has repeatedly held that the right of access to the courts can implicate  
10 "the protections of the Petition Clause." *Borough of Duryea, Pa. v. Guarnieri*, 564  
11 U.S. 379, 387 (2011).

12 Here, protective measures are necessary to preserve the right of access to the  
13 courts. *Cf. Advanced Textile*, 214 F.3d at 1073 (recognizing that fear of employer  
14 reprisals "will frequently chill employees' willingness to challenge employers'  
15 violations of their rights"). *See also Borough of Duryea*, 564 U.S. at 387 (holding  
16 that retaliation by government employee can violate the Petition clause); *see also*  
17 *Nader v. Democratic Nat'l Comm.*, 567 F.3d 692, 696 (D.C. Cir. 2009) ("[W]hen a

18  
19 [https://www.npr.org/2025/04/08/nx-s1-5351645/ice-detention-louisiana-university-](https://www.npr.org/2025/04/08/nx-s1-5351645/ice-detention-louisiana-university-scholars)  
20 [scholars](https://www.npr.org/2025/04/08/nx-s1-5351645/ice-detention-louisiana-university-scholars).

21 <sup>16</sup> Kate Selig and Halina Bennet, *The Trump Administration Revoked 800 Student*  
22 *Visas. Here Is What We Know*, N.Y. TIMES (Apr. 11, 2025),  
<https://www.nytimes.com/2025/03/27/us/students-trump-ice-detention.html>.

23 <sup>17</sup> Stephanie Saul, *A Mysterious Group Says Its Mission Is to Expose Antisemitic*  
24 *Students*, N.Y. TIMES (Apr. 1, 2025),  
25 [https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-](https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html)  
26 [mission.html](https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html); Tesfaye Negussie and Nadine El-Bawab, *Doxxing Campaign Against*  
27 *Pro-Palestinian College Students Ramps Up*, ABC NEWS (Oct. 20, 2023),  
28 [https://abcnews.go.com/International/doxxing-campaign-pro-palestinian-college-](https://abcnews.go.com/International/doxxing-campaign-pro-palestinian-college-students-ramps/story?id=104141630)  
[students-ramps/story?id=104141630](https://abcnews.go.com/International/doxxing-campaign-pro-palestinian-college-students-ramps/story?id=104141630).



1 person petitions the government for redress, the First Amendment prohibits any  
2 sanction on that action . . . so long as the petition was in good faith.”); *Schroeder v.*  
3 *McDonald*, 55 F.3d 454, 461 (9th Cir. 1995) (holding that the government cannot  
4 transfer a prisoner from one correctional institution to another in order to punish the  
5 prisoner for exercising his First Amendment right to pursue litigation). This  
6 constitutes an independent basis (in addition to preserving the status quo) for the  
7 Court to enter an order prohibiting detention.

8 ***2. Anonymity and a Protective Order/Order Not to Detain Are***  
9 ***Reasonable Under the Circumstances, Will Not Prejudice***  
10 ***Defendants, and in the Public Interest***

11 As noted above, due to the controversial political nature of student visa  
12 revocations, Plaintiff fears possible harassment and blacklisting by third parties if  
13 they were to be identified as a student whose SEVIS was terminated and sued the  
14 government. Student Doe #1 Decl., ¶¶ 11-12. Such threatened harm would be  
15 severe, and Plaintiff’s fears are reasonable. This is enough to demonstrate a need  
16 for anonymity. *See Advanced Textile*, 214 F.3d at 1068. Moreover, “where the  
17 plaintiff attacks governmental activity,” the case for proceeding anonymously is  
18 particularly strong. *See, e.g., E.W. v. N.Y. Blood. Ctr.*, 213 F.R.D. 108, 111  
19 (E.D.N.Y. 2003). This is because, in such circumstances, the plaintiff “presumably  
20 represents a minority interest (and may be subject to stigmatization)[.]” *Id.* In  
21 connection with permitting Plaintiff to proceed anonymously in the action, the  
22 Court has the power to require that any Party filing materials containing  
23 information about Plaintiff’s identity redact or file such information under seal.  
24 Fed. R. Civ. P. 5.2(e). Such an order would be common sense here.

25 Plaintiff recognizes the need to provide the government with information  
26 about their identity to permit the government to litigate the case, however, due to  
27 the very real risk of retaliation by the government, Plaintiff asks that the Court enter  
28 an order governing the use of any information Plaintiff discloses and an order

1 enjoining Defendants from detaining Plaintiff while the lawsuit is pending. *See*  
2 *Advanced Textile*, 214 F.3d at 1069 (“In cases where the plaintiffs have  
3 demonstrated a need for anonymity, the district court should use its powers to  
4 manage pretrial proceedings . . . and to issue protective orders limiting disclosure of  
5 the party's name . . . to preserve the party's anonymity to the greatest extent possible  
6 . . .”).

7 Plaintiff's request that the Court enter a protective order limiting the sharing  
8 by Defendants' counsel of any information about Plaintiff's identity or related  
9 personal information and restricting its use for any purpose outside of this action is  
10 reasonable. Indeed, ICE has previously agreed to such terms for material designated  
11 by a party as confidential in stipulated protective orders filed in this District. *See*,  
12 *e.g.*, Tolchin Decl., ¶¶ 12-13 & Exs. I-J. Courts have also imposed similar terms in  
13 other cases. *See, e.g., ACLU of Nevada v. Masto*, No. 08-cv-00822-JCM-PAL,  
14 2008 WL 3874263, at \*6 (Aug. 18, 2008) (permitting Doe plaintiffs to proceed  
15 under pseudonym, requiring counsel for plaintiffs to disclose the identities of  
16 plaintiffs to defendants' counsel, and entering a temporary protective order  
17 precluding defendants from disclosing the identities or using the information for  
18 any purpose outside the litigation); *Enters. Int'l, Inc. v. Pasaban*, S.A., No. 3:11-  
19 CV-05919-RBL, 2012 WL 5269375, at \*2 (W.D. Wash. Oct. 24, 2012); *Alvarez v.*  
20 *The Hyatt Regency Long Beach*, No. CV 09-04791-GAF VBKX, 2010 WL  
21 9505289, at \*3 (C.D. Cal. Sept. 21, 2010); *Range Rd. Music, Inc. v. E. Coast*  
22 *Foods, Inc.*, No. CV092059CASAGR, 2009 WL 10698442 (C.D. Cal. Dec. 10,  
23 2009), at \*4.

24 Plaintiff's request for an order prohibiting detention and transfer of Plaintiff  
25 outside of this District is likewise reasonable under the circumstances. *See* Tolchin  
26 Decl., ¶ 14 & Ex. K. Plaintiff has never experienced detention before and the  
27 prospect of detention as a response to Plaintiff's participation in this suit is deeply  
28 frightening. Student Doe #1 Decl., ¶ 10. Detention following the filing of this suit



1 would not only chill Plaintiff's willingness to go forward (in addition to  
2 dramatically impacting Plaintiff's practical ability to proceed in this case), but  
3 undoubtedly dissuade numerous other international students from vindicating their  
4 rights too.

5 Granting Plaintiff's requested measures will not prejudice Defendants. First,  
6 the lawsuit challenges the legality of Defendants' new policy of SEVIS  
7 terminations based on visa revocations and/or minor criminal history or police  
8 contact with respect to a large (and growing) group of international students around  
9 the country. There are only very specific grounds on which ICE can terminate a  
10 SEVIS record. Complaint, Dkt. 1, ¶¶ 13-20. Apart from a discrete set of facts, few  
11 if any that are likely to be disputed, the details of Plaintiff's specific situation are of  
12 limited relevance. Plaintiff is not challenging the revocation of their visa. *Id.*, ¶ 6.

13 Further, the government has made no indication that it needs to take Plaintiff  
14 into custody. Student Doe #1 Decl., ¶ 10. Plaintiff is a college student who poses no  
15 flight risk or danger. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (finding  
16 immigration detention must further twin goals of (1) ensuring noncitizen's  
17 appearance during removal proceedings and (2) preventing danger to the  
18 community). Detention of Plaintiff would serve no legitimate purpose.

19 Finally, given the circumstances here, anonymity and protection from  
20 retaliation *further*s rather than detract from the public interest. While the public has  
21 an interest in access to court proceedings, the individual identity of Plaintiff is not  
22 necessary to facilitate the public's understanding of judicial decision-making or  
23 "public scrutiny of the important issues in this case." *Advanced Textile*, 214 F.3d  
24 1072. Moreover, the "public . . . has an interest in seeing this case decided on the  
25 merits." *Id.* at 1073; *see also N.Y. Blood. Ctr.*, 213 F.R.D. at 111 (where plaintiff  
26 challenges a governmental policy or statute "there is arguably a public interest in a  
27 vindication of his rights"). Advancing the public interest thus includes meaningful  
28 protection from retaliation. *See Rivera v. NIBCO Corp.*, 364 F.3d 1057, 1064, 1066

(9th Cir. 2004) (granting protective order in recognition of the “harsh[] reality” that defendants had incentive to subject plaintiffs to enforcement action notwithstanding “promise[s] not to [retaliate]” and that unrestricted discovery would “unacceptably burden[] the public interest”).

#### IV. CONCLUSION

For the reasons stated above, Plaintiff requests that the Court enter the proposed form of order granting Plaintiff’s Application for a Temporary Restraining Order.

Dated: April 21, 2025

Respectfully Submitted,

/s/ Stacy Tolchin

Stacy Tolchin

Counsel for Plaintiff

#### CERTIFICATE OF COMPLIANCE UNDER L.R. 11-6.2

The undersigned, counsel of record for Plaintiff, certifies that this brief contains 6,496 words, which:

  x   complies with the word limit of L.R. 11-6.1.

       complies with the word limit set by court order dated [date].

Dated: April 21, 2025

/s/ Stacy Tolchin  
Stacy Tolchin

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28